

are seeing in our schools today is not just teasing; it is not playground behavior. What we are seeing is more than just bullying. We are seeing discrimination. Let me explain what I mean.

If a Black child was referred to by a racial slur at school, would we say kids will be kids? If a Jewish student got beat up because he wore a yarmulke to school, would we wave it off and say boys will be boys? If a shop teacher told a female teacher she didn't belong in his class, would we be fine if the school just looked the other way?

No, we would not. In fact, there are Federal civil rights laws that are specifically designed to stop this kind of conduct. But if a gay child is relentlessly harassed by his classmates, if a principal tells a girl she can't go to her senior prom because she wants to bring another girl as her date or if a school stands by as teachers, students, and other administrators refer to a transgender child not as "he" or "she" but as "it," there is no law that was written to protect those children. Our laws fail those children, and that is just wrong. We can change that.

The bullying of LGBT children in our schools has reached epidemic proportions. More than 30 percent of LGBT kids report missing a day of school in the previous month because they felt unsafe. Nearly 75 percent of LGBT students say they have been verbally harassed at school, and more than 35 percent of LGBT students report being physically attacked. You cannot learn if you dread going to school. It has been estimated that, on average, LGBT kids comprise 40 percent of all homeless youth. To be sure, family rejection is a leading factor, but LGBT kids' inability to escape verbal harassment and physical attacks makes them drop out, which makes them much more likely to be homeless. That is unacceptable. Our children should not have to experience that kind of hate at school, and, as we have seen all too often, some of them just can't endure it.

A few years ago, I met a wonderful woman named Wendy Walsh, the mother of Seth Walsh, whose photo is next to me here. Wendy told me that Seth had endured years of anti-gay harassment at school in Tehachapi, CA. When he was in the fifth grade, other students started calling him gay, and as he got older the harassment became more frequent and more abusive. By seventh grade, taunts and verbal abuse were a constant part of Seth's day. Students called him faggot and queer. He was afraid to use the restroom or to be in the boys' locker room before gym class.

Seth had always been a good student, receiving A's and B's, but as the harassment escalated, he started to get failing grades. Friends reported that he became depressed and withdrawn. Wendy desperately tried to get school district officials to do something, but her pleas were brushed aside, and in

September of 2010, Seth hanged himself from a tree in his family's backyard. He was 13. Seth left a note expressing his love for family and friends but also his anger at the school.

Justin Aaberg was a rising sophomore at high school in Anoka, MN, my home State. Justin played the cello. In fact, he composed music for the cello. His mother Tammy told people that he was a "sweet boy who seemed to always have a smile on his face." Justin came out to his mom when he was 13. In July of 2010, Justin hanged himself in his bedroom. His mother later learned from Justin's friends and from messages he left before his death that he had been the victim of incessant bullying at school. Justin was 15 when he died.

Carl Walker Hoover was a Boy Scout and a football player for his school in Springfield, MA. But starting in the sixth grade, the kids at Carl's school started to bully and harass him for "acting gay" or "acting like a girl" even though he didn't identify as LGBT. When Carl's mother, Sirdeaner Walker, learned about the harassment, she spoke to his principal, his teacher, and his guidance counselor repeatedly, asking the school to intervene. But in April of 2009, Sirdeaner found her son hanging by an extension cord on the second floor of her home. In the letter Carl left behind, he said he simply couldn't take it anymore. Carl was 11 years old.

Justin, Seth, and Carl's stories are not anomalies. They are just a few of the many tragic cases in an epidemic of school bullying against LGBT kids or kids who are perceived to be LGBT.

The bill we are debating this week is an education bill, a bill about taking the steps necessary to secure better and brighter futures for our children. It is our responsibility not just as Senators but as adults to protect children and to help them flourish. Children who are afraid to go to school can't get a good education.

Think about the children in your life—your son or your daughter, your grandchild or your niece or nephew—and what it must be like for a child in your life to get up and face the school day ahead not with excitement but with anxiety and fear, with dread and shame. This shouldn't happen in America. In America, we have passed laws that guard against harassment in our schools on the basis of race, national origin, sex, and disability, but LGBT students face bullying and intimidation without recourse.

This amendment would simply provide LGBT kids with the same legal remedies available to other kids under our Federal civil rights laws. It says that schools would have to listen when a parent calls and says: My child isn't safe, and then the school has to do something about it. It would ensure that LGBT kids have the same protections, not some of the same protections, as other kids.

This is not a revolutionary idea. In fact, more than a dozen States have al-

ready passed laws that protect students from discrimination based on sexual orientation and gender identity, and it is working. In States that have protections for sexual orientation and gender identity in schools, LGBT students report nearly one-third fewer instances of physical harassment and nearly half as many instances of physical assault as in States lacking these protections.

We have come incredibly far in our understanding of LGBT people in a very short period of time not just as a country but as a body. In 2013, by a vote of 64 to 32, the Senate passed ENDA, the Employment Non-Discrimination Act, which would prohibit job discrimination on the basis of sexual orientation and gender identity. It would prohibit firing someone or harassing them at work for being gay or transgender. It would protect adults.

Now it is time to protect kids and to put in place policies to ensure that a child of 11 or 13 or 15 is allowed to live their life and discover who they are—to discover that maybe they are a great cellist or a first-round NFL draft pick—without facing taunts and intimidation and physical violence in the school. It is our responsibility as a country and as a body to protect our children. I strongly urge my colleagues to do just that by supporting the Student Non-Discrimination Act and voting for it as an amendment to this bill.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

#### PROTECTING STUDENT PRIVACY ACT

Mr. MARKEY. Madam President, we do not have to look any further than the recent data breaches at the Government Office of Personnel Management, Target, Home Depot, Sony, Neiman Marcus, and countless others to know there are pitfalls to the rush to store our personal, sensitive data online. And there is no information more personal and more sensitive than that of school-aged children.

The business of sifting through and storing the records of grade school and high school students is growing as fast as students are. By collecting personal information about students' test results and learning abilities, teachers may find better ways to educate their students. We can help improve their test scores, improve academic achievement, and prepare students for the future.

The increased use of data analysis of student performance holds promise for increasing student achievement, but at the same time there are perils from a privacy perspective. Putting the sensitive information of students in the hands of third parties and private sector companies raises a number of very serious questions about the privacy rights of parents and their children. The information being collected is about students as young as 5 years old.

As a nation, we have already decided that children require extra protection, and that is why in the House of Representatives I was the principal author of the Children's Online Privacy Protection Act, or COPPA, which is what it is called. COPPA is the communications constitution for protecting children when they are online. I believe very deeply that parents, not private companies, should have the right to control information about their children, even when a child's data is in the hands of a private company.

We know that the pre-K through 12 educational software and digital content market is currently worth more than \$8 billion. I will say that again. An \$8 billion industry has now been built up around pre-K through 12 educational software, and nearly all of America's school districts rely on cloud services for a diverse range of functions that include data collection and analysis related to student performance.

As data analytics companies increasingly play a role in the education area, Congress must act to ensure that safeguards are in place for student data that is shared with third parties. Show-and-tell should be a classroom exercise with students, not with students' personal and sensitive information.

A child's educational record should not be sold as a product on the open market. That is why earlier this year I introduced the Protecting Student Privacy Act with Senators HATCH and KIRK. That is why today my colleague Senator HATCH and I are offering a bipartisan amendment which the Senators will be asked to vote on which will establish a commission to report to Congress on how we protect student privacy and parental rights in the digital age.

These recommendations the Senators will be voting on here today will include a number of things—No. 1, how to prevent marketers from using educational records to target students with advertisements. The goal here is to help young scholars make the grade—not to have private sector companies make a sale. They should not be using the information they have in order to target young kids with products. That should be an issue for which we have a national policy.

No. 2, when should student information be deleted? Permanent records of children shouldn't be held permanently by private sector companies, but only by students and their parents.

No. 3 is how parents should be able to access and correct private information about their children. Just as there could be an erroneous charge on a credit report and that should not prevent someone from getting a loan, a false grade or a false bit of information on a report card shouldn't prevent a young person from getting into the college of their choice, and parents should have the ability to say they want that changed.

No. 4, how do we ensure that outside vendors, outside companies that handle

and store this sensitive information put in place the strongest possible data security standards? This is a business. These companies are making money, saying: We will store this information so you don't have to build more physical storehouses. We will put this information up into the cloud. That will be a real cost savings for the school system. Well, how much security is that private sector company now going to build around the cloud with all of that information? Are they going to have the highest level of cyber security protections built in? Or are they just going to buy something that is dirt cheap and say they have security precautions but, like Target, like Sony, like the Office of Personnel Management, they will not have actually put in place the security protections which will ensure that children's most sensitive information is not compromised as it is being stored up in the cloud.

The reality is that our data is being increasingly compromised, and companies of all shapes and sizes must devote the resources necessary to protect that information. As it is stored in the cloud and as it is being subjected to malicious attacks, there must be a security system that can repel those attacks.

The amendment Senator HATCH and I bring to the floor here this afternoon at 5:30 brings together privacy experts, parents, school leaders, public advocates, and the technology industry in order to tackle how to best balance protecting students' personal information while promoting greater academic achievement. I urge my colleagues to support this bipartisan amendment.

There is a Dickensian quality to this digital world. It is the best of technology and the worst of technology simultaneously. It can be used to enable and ennoble. It can be used to degrade and debase. How we choose will only be determined by human beings and by those who represent them in the Senate. We have to ensure that we put in place policies that ensure we have the best use of these digital technologies while not having children and their parents be robbed of the private information that is so sensitive to the long term well-being of a child as they are developing.

That is what this amendment is all about here today. I urge an "aye" vote. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Madam President, I ask unanimous consent that morning business be extended until 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SANCTUARY POLICY

Mr. GRASSLEY. Madam President, just 12 days ago, Kate Steinle was

walking along Pier 14 in San Francisco with her father when she was shot by an individual in this country illegally. At the age of 32—a very young age—her life was taken. Friends and family mourned her death and laid her to rest late last week.

Kate Steinle should be with us today. Her death is a result of weak immigration policies, an insecure border, and a lack of will to enforce the law. Her alleged killer was deported five times and has a rap sheet that dates back to 1991. Despite his criminal background, San Francisco's sanctuary policy allowed this man to walk the streets.

Today we are learning that there are thousands of detainees placed each year on undocumented immigrants by Federal officials, but these detainees go ignored.

Detainers are requests to another law enforcement entity that it wants to take custody of a person. The Federal Government will ask, for instance, a State or local jurisdiction to hold an individual for 48 hours until the Federal Government can assume custody.

According to government documents provided by the Center for Immigration Studies, between January and September of 2014, there were 8,811 declined detainees in 276 counties in 43 States, including the District of Columbia. Of the 8,811 declined detainees, 62 percent of them were associated with over 5,000 individuals who were previously charged, convicted of a crime or presented some other public safety concern. And nearly 1,900 of the released offenders were arrested for another crime once they were released by the sanctuary jurisdiction.

This is very disturbing—not only to me but to most Americans. There is no good rationale for noncooperation between Federal officials and State and local law enforcement. Public safety is put at risk when State and local officials provide sanctuary to lawbreaking immigrants just to make some political point.

But San Francisco isn't the only one to shoulder blame here. The Obama administration has turned a blind eye to law enforcement in this area, even releasing thousands of criminal aliens on its own, many of whom have gone on to commit serious crimes—even murder. They have also turned a blind eye to sanctuary cities, all while challenging States to take a more aggressive approach to immigration and enforcing immigration laws.

That is why I wrote to Attorney General Lynch and Department of Homeland Security Secretary Johnson just last week. I urged them to take control of the situation so that detainees are not ignored and undocumented individuals are safely transferred to Federal custody and put into deportation proceedings. I implored them to take a more direct role in this matter.

This administration needs to stop turning a blind eye to State and local jurisdictions that thumb their nose at the law and harbor criminals who are evading immigration authorities.